

THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 1, 2003

ORDINANCE NO. 02-23-319

RE: Amendments to Section 1-19-29 of the Frederick County Code to Expand the Board of Appeals from a Three member to a Five Member Board

PREAMBLE

Under the Frederick County Zoning Ordinance, specifically Section 1-19-29 - Board of Appeals, it is currently stated that the Board of Appeals shall consist of three members.

Over the last few years, there have been number of occasions when there was a problem on not having three members present for hearings. This was due to absences because of illness, scheduled conflicts or a member having to recuse themselves from a particular hearing. If there are only two members present and the vote is tied, the application is disapproved. If there are only two members present the Board gives the applicant the option of continuing the hearing.

If the Board was expanded to five members and one member was absent due to illness, schedule conflicts or recusing themselves, the hearing could continue. Three members of the Board would constitute a quorum for conducting a hearing.

By revising the language in Section 1-19-29(a) and (e) the Board of Appeals could be expanded to five members resolving the problem of not having enough members present for hearings.

The Board of County Commissioners held a duly advertised public hearing on this ordinance on November 12, 2002. The public had an opportunity to comment on the proposed amendment at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Sections 1-19-29(a) of the Frederick County Code (1979) is hereby amended to read as follows and that a new section 1-19-29(e) be added as follows:

Sec. 1-19-29. Board of appeals.

- (a) The board of county commissioners shall appoint a board of appeals. The board of appeals shall consist of [three (3)] FIVE (5) members. The terms of office of the members of the board is three (3) years. They are removable for cause, upon written charges, and after public hearing. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. Members of the board may receive such compensation as the board of county commissioners deem appropriate.
- (e) THREE (3) MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE CONDUCTING OF BUSINESS.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on January 1, 2003.

CAPITALS AND/OR UNDERLINING INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 12th day of November, 2002.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

/s/

Douglas D. Browning
Acting County Manager

/s/

David P. Gray, President